

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

.
BARBARA E. VARNER, .
Plaintiff, . CIVIL ACTION
vs. . NO. 1:CV 01-0725
COMMONWEALTH OF PENNSYLVANIA, . (JUDGE YVETTE KANE)
NINTH JUDICIAL DISTRICT, .
CUMBERLAND COUNTY; CUMBERLAND .
COUNTY; S. GARETH GRAHAM, .
Individually, and JOSEPH .
OSENKARSKI, individually, .
Defendants. .
.

Deposition of: RONNA BOYLES

Taken by : Defendants

Date : March 3, 2003, 12:22 p.m.

Before : Emily Clark, RMR, Reporter-Notary

Place : 12 West High Street
Carlisle, Pennsylvania

APPEARANCES:

DEBRA K. WALLET, ESQUIRE
For - Plaintiff

ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS
BY: A. TAYLOR WILLIAMS, ESQUIRE
For - Defendant Commonwealth of Pennsylvania
Ninth Judicial District, Cumberland County

THOMAS, THOMAS & HAFFER
BY: PAUL J. DELLASEGA, ESQUIRE
For - Defendant Cumberland County

1 APPEARANCES (continued):

2 MONTGOMERY, McCRACKEN, WALKER & RHOADS, LLP
3 BY: L. KRISTEN BLANCHARD, ESQUIRE
4 For - Defendant S. Gareth Graham

5 SWEENEY & SHEEHAN, P.C.
6 BY: PAUL LANCASTER ADAMS, ESQUIRE
7 For - Defendant Joseph L. Osenkarski

8 ALSO PRESENT:

9 MS. BARBARA E. VARNER

10 MR. S. GARETH GRAHAM

11 MR. JOSEPH L. OSENKARSKI

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1 I N D E X

2 WITNESS

3 Ronna Boyles Examination

4 By Mr. Dellasega 4, 47, 49, 51

5 By Ms. Wallet 26, 49, 50, 51

6 By Ms. Williams 41, 50

7 By Mr. Adams 43

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10 EXHIBITS

11 (None marked)

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1 STIPULATION

2 It is hereby stipulated by and between the
3 respective parties that signing, sealing, certification
4 and filing are waived; and that all objections except
5 as to the form of the question are reserved until the
6 time of trial.

7

8 RONNA BOYLES, called as a witness, being duly
9 sworn, was examined and testified, as follows:

10 BY MR. DELLASEGA:

11 Q. Mrs. Boyles, we talked over the phone last week. I'm
12 Paul Dellasega. I represent the county. We're taking
13 your deposition today as part of a lawsuit brought by
14 Barbara Varner against the county, the court, and
15 Osenkarski and Gram in the nature of a sexual
16 harassment suit.

17 Have you ever been deposed before?

18 A. No.

19 Q. Okay. You have to answer questions under oath, and
20 it's important to us that you understand the question
21 before you answer it. So that if you don't understand
22 a question, ask me to rephrase it, and I'll do so as
23 many times as need be until you understand it.

24 A. Okay.

25 Q. If you don't know the answer, it's satisfactory to tell

1 us you don't know the answer. If you need to stop and
2 think about it for a few minutes, we've got plenty of
3 time.

4 A. Okay.

5 Q. Okay? When were you employed by the county or the
6 court?

7 A. I was a part-time at the law library, and then I forget
8 what year I went over to Probation, but I worked
9 Juvenile Prosecution and Adult Probation. And then
10 when they split I went over to the Adult.

11 Q. Would you be able to tell us what year you went to
12 Juvenile or the precursor to Juvenile, the unified
13 department?

14 A. No, I can't remember.

15 Q. Okay. How many years in total were you a Probation
16 secretary?

17 A. Nine.

18 Q. Nine.

19 A. I was fired.

20 Q. What was the last year?

21 A. '97. '99. '97 or '99. I was fired.

22 Q. Prior to the split did you work for one person in
23 particular?

24 A. No. I worked for several probation officers.

25 Q. Who did you work with?

1 A. Gary, Joe, Barb, Debra, Nick, Denny, Sam.

2 Q. How many secretaries were in Probation?

3 A. There were two.

4 Q. And how many probation officers, roughly?

5 A. 10.

6 Q. And the two of you divided all the probation officers?

7 A. Right. Well, whoever brought the typing to us, we did.

8 Q. Was it the case you could do typing for any probation
9 officer?

10 A. Yes.

11 Q. And your other secretary could do typing for any
12 probation officer?

13 A. Yes, um-hum.

14 Q. I've heard you referred to at various points as Gary's
15 secretary. Would that be an accurate description?

16 A. Um-hum.

17 Q. Did you consider yourself Gary's secretary?

18 A. Um-hum. Yes.

19 Q. Did Gary provide to you the bulk of your work?

20 A. Yes.

21 Q. And did that last until --

22 A. Till the split.

23 Q. Till the split?

24 A. And then later on he became the institutional officer
25 and I started doing typing for him again.

1 Q. Okay. So you would have been his secretary for a
2 period of several years?

3 A. True.

4 Q. Okay. And you were his secretary the entire time after
5 Mrs. Varner came until the split; is that correct?

6 A. Correct.

7 Q. And did you do the bulk of Mrs. Varner's work?

8 A. Yes.

9 Q. Did you know Mrs. Varner before she came into
10 Probation?

11 A. Only to say hello. I only recognized her as a face.

12 Q. And how did it come about that you recognized her as a
13 face?

14 A. I think some friends, some other people that worked --
15 Sherry McGinty I think introduced me to her and, you
16 know, so I knew who she was. She said, you know, she's
17 with Children and Youth.

18 And then right before she was hired on, during the
19 hiring process, I had talked with her with Gary in the
20 lunch room, just to say hello.

21 Q. Prior to her coming on board she had been over in your
22 offices; is that what you're telling me?

23 A. Occasionally.

24 Q. And on those occasions when she was over in your
25 offers, it's your recollection was the purpose to see

1 Mr. Graham for some business reason?

2 A. I think it was for Gary and Joe that she talked,
3 because it was right before she was being hired.

4 Q. And I think you said you had lunch with them, or saw
5 them in the lunch room?

6 A. Um-hum.

7 Q. Which one was it? You saw them or had lunch with them?

8 A. No, no. Just in the lunch room, getting a soda or
9 something.

10 Q. Did you see them together in the lunch room more than
11 once?

12 A. Yeah.

13 Q. Frequently?

14 A. No, not frequently. I'd say two, three times.

15 Q. Two or three times ever, or two or three times a month?

16 A. Two, three times ever.

17 Q. When a phone call came for Mr. Graham, what was the
18 protocol? Did he answer his phone himself or did you
19 answer it?

20 A. It depended. Sometimes it went right to his phone, and
21 sometimes the calls came to me and then I would
22 transfer them to him.

23 Q. Did he get frequent phone calls?

24 A. Yes.

25 Q. Before Mrs. Varner came on board in Probation do you

1 recall him getting phone calls from Mrs. Varner?

2 A. No.

3 Q. After she came on board, do you recall him getting
4 phone calls from Mrs. Varner?

5 A. If she was out in the field, yes.

6 Q. Do you recall the phraseology Barb 1 and Barb 2 ever
7 being used?

8 A. Yes.

9 Q. Did you ever use it yourself?

10 A. Yes.

11 Q. Why did you use that term of art?

12 A. Barb 1 is his wife and Barb 2 was the co-worker, so I
13 could distinguish between the two for him.

14 Q. Was it your idea to coin that phrase, or did someone
15 else?

16 A. I'm not sure. I just know we set it as Barb 1 and
17 Barb 2.

18 Q. Did the other secretary also use the phrase Barb 1 and
19 Barb 2?

20 A. I think so.

21 Q. And who was the other secretary?

22 A. Jenny was it for a while.

23 Q. Jenny, and the last name?

24 A. Crum.

25 Q. And was there another secretary besides her?

1 A. Fran was there, Fran Rose. And Kathy Zeigler.

2 Q. Did you hear all those women use the phraseology Barb 1
3 and Barb 2?

4 A. I think so.

5 Q. Other than the secretaries, did you ever hear of
6 probation officers use the phrase 1 Barb 1 and Barb 2?

7 A. I believe so.

8 Q. Did you ever hear Gary being teased about Barb 1 or
9 Barb 2?

10 A. Yes.

11 Q. Can you give me an example of somebody teasing him?

12 A. Just that they would say, you know, you've got a phone
13 call, you know, is it Barb 1 or is it Barb 2. I never
14 heard anything other than that.

15 Q. Was there in your estimation any sexual undertones to
16 saying it's your first Barb or your second Barb?

17 A. No.

18 Q. Did you understand -- from your observations of Barbara
19 Varner and Gary Graham together before the split, how
20 would you describe their working relationship?

21 A. Very good.

22 Q. Better than average?

23 A. Yes, I think so.

24 Q. Were there people with whom Mr. Graham did not have a
25 working relationship, that you observed?

1 A. Not -- I mean, he would get frustrated now and then,
2 but no.

3 Q. Did you observe him treat Mrs. Varner in any different
4 manner than he treated other employees?

5 A. When she first came on, Mr. Graham and Mr. Osenkowski
6 would take her on all the -- when they go to visit
7 clients or go to different seminars and stuff like,
8 that they would -- she would go along. That seemed to
9 be, I thought they were showing her the ropes, you
10 know, how things were handled.

11 Q. Are you referring to routine training, or some type of
12 preferential treatment?

13 A. Routine training. And then also, like, when they would
14 have to go to visit different facilities where they
15 might have had people placed.

16 Q. Do you ever recall her being asked to go on some trip
17 that normally a new probation officer would not be
18 asked to go on?

19 A. No.

20 Q. Any conference that normally a new probation officer
21 would not be asked to go on?

22 A. No. The only thing I thought was different, I think,
23 Gary also did DUI training, and I think Barb was asked
24 to do that, and I was surprised about that.

25 Q. Why were you surprised about that?

1 A. Because I thought that there was a set number of people
2 who did it and that was the way it was.

3 Q. And the set number of people was old timers in the
4 Probation Department?

5 A. Yes. Yes.

6 Q. And it was unusual for a brand new probation officer to
7 be part of the DUI training?

8 A. Right. Right.

9 Q. Was that because there was some financial reward for
10 being a DUI instructor?

11 A. I have no idea.

12 Q. Before Mrs. Varner was hired did you ever hear a
13 discussion about whether she would be considered as a
14 candidate for employment?

15 A. I just heard them say she would be a really good person
16 to have on board, that she was a good worker.

17 Q. And you heard them say it. Who was them?

18 A. Gary and Joe.

19 Q. Can you recall in particular what Mr. Graham would have
20 said?

21 A. Just that she was really conscientious, a good worker
22 and it would be good having her on the staff.

23 Q. Would you characterize it as he glowed about her
24 abilities?

25 A. Yes.

1 Q. And with Mr. Osenkarski, what would he say?

2 A. About the same thing.

3 Q. Would you characterize Osenkarski also glowd about her
4 abilities?

5 A. Yes, like she would be an asset to us.

6 Q. And when you say they glowd about her abilities, were
7 they more complimentary about her abilities coming in
8 than was typical?

9 MS. WALLET: I'm just going to object to the form
10 of the question. You were the one that used the word
11 glowd. She didn't say glowd, she agreed with that,
12 however.

13 But you may answer the question.

14 THE WITNESS: No. If there were other ones that
15 they felt would be a great asset, the same thing.

16 BY MR. DELLASEGA:

17 Q. Did Mrs. Varner seem to be the recipient of any
18 special treatment when she came in?

19 A. No.

20 Q. Now, where did you sit in relationship to Graham's
21 office?

22 A. He was down the hall and to the right.

23 Q. You could not see him from your desk?

24 A. No.

25 Q. How about Mrs. Varner's office?

1 A. She was behind me.

2 Q. Can you see her from your desk?

3 A. If I turned around.

4 Q. Did you have occasion to see the two interact on a
5 daily basis?

6 A. On some things, yes.

7 Q. Would you ever see Mr. Graham treat her, Mrs. Varner,
8 rudely?

9 A. Once.

10 Q. What do you recall seeing?

11 A. I recall him yelling at her about some case that she
12 was working on, or some papers that she did. I don't
13 remember.

14 I also remember him saying at the time that a
15 reference to hiring middle-aged people or something
16 like that.

17 Q. When you say he yelled at her, did he raise his voice?

18 A. Yes.

19 Q. Was it unusual for Mr. Graham to raise his voice within
20 the office?

21 A. Not if he was excited.

22 Q. Did he have a loud voice when he got excited?

23 A. Yes.

24 Q. Is he an excitable man?

25 A. Yes.

1 Q. So it was a frequent occurrence for him to raise his
2 voice; is that correct?

3 A. Pretty much, yes.

4 Q. Now, you only recall the one instance with Mrs. Varner;
5 is that right?

6 A. Right.

7 Q. With other male probation officers, was it unusual for
8 Mr. Graham to raise his voice?

9 A. No.

10 Q. Would you characterize this as occurring on a frequent
11 basis?

12 A. Um-hum. Not as frequent as with some of the female,
13 but yeah.

14 Q. In terms of his getting excitable and raising his voice
15 at somebody, did he appear to do so indiscriminately
16 between men and women? Or did he single out one sex
17 more than the other?

18 A. No. I think it was pretty even.

19 Q. Did you observe Mr. Graham to have favorites within the
20 office?

21 A. Um-hum.

22 Q. Was Ms. Varner a favorite?

23 A. In the beginning, yes.

24 Q. Did that change at some point, from your personal
25 observation?

1 A. Yes.

2 Q. When did it change?

3 A. Possibly about the time when we made the switch from
4 Juvenile, you know, Juvenile and Adult.

5 Q. Okay. What did you observe?

6 A. He was, like, insistent and he became more demanding of
7 people, and more critical. And I can remember one time
8 saying to him, you know, if you would ask people
9 instead of demanding you might get better results.

10 Q. Are you speaking of he became more critical of all his
11 co-employees?

12 A. Right.

13 Q. In general or --

14 A. But more about Mrs. Varner.

15 Q. It was enough so that you noticed all of a sudden he
16 was picking on Mrs. Varner?

17 A. Right.

18 Q. Did you have any understanding as to why all of a
19 sudden he was picking on Mrs. Varner --

20 A. No.

21 Q. -- when she had been a favorite person before?

22 A. No, I had no idea.

23 Q. But was that how you perceived it, she had been a
24 favorite person?

25 A. Oh, yes.

1 Q. And now was being picked on?

2 A. Yes.

3 Q. And that the change was sudden?

4 A. Yes.

5 Q. All right. And did you ever ask Mr. Graham about that?

6 A. No.

7 Q. From what you observed before that sudden change, would
8 you describe the two of them as being friendly?

9 A. Yes.

10 Q. Would you describe the friendship as disproportionate,
11 Mr. Graham more interested in Varner or more friendly
12 to Varner, or both equally friendly to each other?

13 A. I just perceived them as friendly co-workers, friendly
14 co-workers.

15 Q. Within the office did they appear to be close friends?

16 A. No. Just friends.

17 Q. The answer is no?

18 A. No.

19 Q. Now, the phrase Barb 1 and Barb 2 I think you told me
20 was because of the frequency of calls you got from each
21 Barb; is that right?

22 A. Well, just because when the phone call would come in
23 that's how we would say just which one was which.

24 Q. Did the number of phone calls from Barb 2 decline after
25 their relationship deteriorated?

1 A. I don't know because by then I was gone. I was over.

2 Q. I'm a little unclear as to how you observed their
3 relationship worsen, when you say it worsened after the
4 split and you were gone then.

5 A. I would say it probably declined then, because she
6 was -- she wasn't out of the office as much and she
7 wasn't calling in.

8 Q. Why does this mean the relationship declined?

9 A. I don't know.

10 Q. You took it to mean the relationship declined?

11 A. No. They -- he stopped inviting her to go to the
12 different places. He started yelling at her. He
13 didn't visit in her office. So that's where I took it
14 as the decline.

15 Q. Did you ever hear Mr. Graham curse in the office?

16 A. He may have, but he wasn't the only one.

17 Q. It was, in fact, the use of curse words a common
18 feature in the office?

19 A. Yes. It didn't necessarily, it wasn't necessarily said
20 in anger, just, you know, it was said.

21 Q. When you heard Mr. Graham use curse words, would they
22 be just in general conversation, or directed to
23 anybody?

24 A. Just in general.

25 Q. Did you observe him use curse words more around women

1 than around men?

2 A. No.

3 Q. Less?

4 A. It didn't -- I don't see any difference between.

5 Q. Would you characterize Mr. Graham as treating men and
6 women equally, whether he was really good if he liked
7 them or he was really bad if he did not like them?

8 A. I think he treated the men better.

9 Q. Did you ever hear within the office the discussion of
10 whether any employees within the office were having
11 affairs?

12 A. No.

13 Q. Not once?

14 A. No.

15 Q. Okay. With regard to anybody, not just Graham and
16 Varner.

17 A. No. No.

18 Q. Are you aware that one of the allegations in this case
19 is whether or not Mr. Graham and Mrs. Varner had an
20 affair?

21 A. I wasn't until later, but yes.

22 Q. Did the thought ever cross your mind when you were his
23 secretary and observed them on a daily basis that they
24 were having an affair?

25 A. Never.

1 Q. You said Mr. Osenkarski looked favorably upon
2 Mrs. Varner's arrival in the office?

3 A. Yes.

4 Q. Did his attitude remain favorable throughout your time
5 in the office, or did it change as Graham's attitude
6 changed?

7 A. I think it changed when Graham's attitude changed.

8 Q. What did you observe Mr. Osenkarski do?

9 A. He just again didn't talk to her like he used to.
10 That's the only thing I could see.

11 Q. Have you had sexual harassment training while employed
12 by the court?

13 A. Yes.

14 Q. Okay. And do you recall how many training sessions you
15 went to?

16 A. I think I had two.

17 Q. And from those sessions, did you acquire an
18 understanding of what sexual harassment is?

19 A. Yes. And we've been doing it all along for years.

20 MS. WALLET: How do you mean that? You've been
21 harassing all along?

22 THE WITNESS: Yeah, we were. I mean, you know,
23 things that we would say in the office, like, oh, you
24 look really nice today or, you know, it could all be
25 taken as sexual harassment.

1 BY MR. DELLASEGA:

2 Q. Let me ask you this. Within your concept of sexual
3 harassment, which would include things as simple as how
4 are you doing today or you look nice today, would you
5 say women harassed men just as men harassed women?

6 A. Absolutely.

7 Q. And within that concept as you understand it, did
8 Mr. Graham ever harass Varner?

9 A. Not -- the only thing I can think of is like I said,
10 the remark about age. That's it.

11 Q. Did you ever hear Mrs. Varner say anything that would
12 fall within your concept of sexual harassment?

13 A. No.

14 Q. Oh, Gary, you look nice?

15 A. No.

16 Q. Complimented him?

17 A. No.

18 Q. Flirt with him?

19 A. No.

20 Q. Did you ever hear of Mr. Graham describe sexual
21 escapades that he participated in within the four walls
22 of the office?

23 A. He would tell me stories from college.

24 Q. Would he ever tell you stories of any of his contacts
25 with women this postdated his marriage?

1 A. No.

2 Q. Did he ever tell you about being interested in any
3 women that worked in the office?

4 A. No.

5 Q. Any women that worked in the courthouse?

6 A. No.

7 Q. Did you ever have any reason to believe he had any
8 sexual interest in any women that worked in the
9 courthouse?

10 A. No.

11 Q. When you were a secretary, who did you view as your
12 boss?

13 A. Joe.

14 Q. And on top of him?

15 A. At the time, Ken Bolze was.

16 Q. And on top of Bolze?

17 A. Then it was, when I switched over, it was John.

18 Q. I guess what I'm getting at is ultimately was the judge
19 or the county your boss?

20 A. I guess, yes. The judge.

21 Q. The judge?

22 A. (Witness nodded head affirmatively.)

23 Q. Okay. Did you understand who had the power to
24 discipline or discharge you compared with the judge or,
25 say, the county commissioners?

1 A. I didn't, at the time, no.

2 Q. Did you ever acquire such an understanding?

3 A. (Witness shook head negatively.)

4 MS. WALLET: I'm sorry, was that an audible --

5 THE WITNESS: No. I'm sorry.

6 MS. WALLET: You have to say yes or no.

7 THE WITNESS: Okay.

8 BY MR. DELLASEGA:

9 Q. After you moved over to Adult Probation did you hear
10 any stories about the Varner-Graham relationship?

11 A. The only thing I heard was that Gary was saying things
12 and that Barb had filed a suit. That's all I knew.

13 Q. Did you ever hear any stories of Mr. Graham doing
14 anything that would constitute in your mind sexual
15 harassment?

16 A. No.

17 Q. Did you ever see Mr. Osenkarski do anything in your
18 mind that would constitute sexual harassment?

19 A. No.

20 Q. When you say that women as well as men made some
21 comments that you thought fell within that definition
22 of sexual harassment, can you tell me what women you're
23 talking about?

24 A. Me, for one. Not right off the top of my head.

25 Q. Kerry Houser?

1 A. No.

2 Q. Debra Green?

3 A. No.

4 Q. Are you familiar with the fact that Houser had a sexual
5 harassment complaint in 1993?

6 A. Yes.

7 Q. Other than Ms. Houser's complaints and Mrs. Varner's
8 complaint, do you know of any other women in Probation
9 who complained of sexual harassment?

10 A. No.

11 Q. Did you ever hear the phrase jahoobeas used within the
12 office?

13 A. Um-hum.

14 MS. BLANCHARD: You have to say yes or no.

15 THE WITNESS: Yes. Yes.

16 BY MR. DELLASEGA:

17 Q. How did you hear that?

18 A. Just heard it. Somebody stated it, I don't know.

19 Q. Anybody you can put a face on?

20 A. No.

21 Q. How about the phrase peter meter?

22 A. Never heard that.

23 Q. Ever hear anybody comment that a woman or female intern
24 had a nice bush?

25 A. No, I don't think.

1 Q. Were you ever offended by any sexual harassment banter
2 you heard in the office?

3 A. No.

4 Q. Did any women in the office ever tell you they were
5 offended by sexual banter?

6 A. Yes.

7 Q. Who is that?

8 A. Kerry, Julie Staver, and Deb Anderson.

9 Q. And they were all secretaries?

10 A. Julie was a probation officer, Kerry was a probation
11 officer, and Deb had been a secretary.

12 Q. Are we talking about Kerry Houser?

13 A. Yes.

14 Q. And what were they talking about?

15 A. That was about the harassment suit, Kerry.

16 Q. That was about the '93 harassment?

17 A. (Witness nodded head affirmatively.)

18 Q. After that?

19 A. No.

20 Q. After the '93 harassment suit do you recall the level
21 of sexual banter dropping?

22 A. Absolutely.

23 Q. Some remedial action had apparently been taken?

24 A. Yes.

25 Q. At any time did you ever hear Mrs. Varner complain to

1 you or to others about Graham?

2 A. I think just in when he first started nit-picking at
3 her reports and stuff like that. She wasn't sure what
4 he wanted.

5 Q. Was not happy about the nit-picking?

6 A. Right.

7 Q. But do I understand correctly that Gary could be a
8 nit-picker, nit-pick with other people as well?

9 A. Yes.

10 Q. That was his style?

11 A. (Witness nodded head affirmatively.)

12 Q. And again --

13 A. Yes.

14 Q. -- and he didn't discriminate between men and women?

15 A. Yes.

16 MR. DELLASEGA: That's all.

17 MR. ADAMS: I don't have any questions.

18 MS. WILLIAMS: I have no questions for you,

19 Mrs. Boyles.

20 MS. BLANCHARD: I have nothing.

21 BY MS. WALLET:

22 Q. Mrs. Boyles, tell me what you remember about the Kerry
23 Houser's complaint.

24 A. Reference was made to a cunt club.

25 Q. Did you hear that?

1 A. Yes, I did.

2 Q. And who said that?

3 A. Joe.

4 Q. And can you tell me what you remember about the context
5 of this?

6 A. There were, like, three or four probation officers in
7 Tom Boyer's office at the time, and they were referring
8 to Deb Anderson, Julie Staver, Kerry, and I don't
9 remember if there was another person or not, but that's
10 what I took it as, and it was just a remark about the
11 cunt club.

12 Q. Were you offended by that reference?

13 A. I was a little surprised, but I wasn't offended.

14 Q. Why were you surprised?

15 A. I didn't expect to hear something like that.

16 Q. Did you think it was appropriate workplace language?

17 A. No.

18 Q. After you heard that, what did you do?

19 A. Continued typing.

20 Q. Okay. Did you tell somebody else?

21 A. No.

22 Q. Did you tell anybody that you had heard it?

23 A. I was -- I finally said, yes, I had heard it, when I
24 was questioned about it.

25 Q. Did you ever go to Mr. Osenkowski and tell him that you

1 were offended by that?

2 A. No.

3 Q. Why not?

4 A. Just thought I'd let it go, because I didn't think it
5 was to my -- it wasn't directed to me.

6 Q. Is there any doubt in your mind that it was directed to
7 the female probation officers?

8 A. No.

9 MR. ADAMS: Directed to or about? I'm a little
10 confused. She said it wasn't directed to anyone.

11 THE WITNESS: Not to any one person, but it was
12 directed to the two probation officers and the
13 secretary, one secretary.

14 MR. ADAMS: You mean as about those persons?

15 THE WITNESS: Right.

16 MR. ADAMS: Okay.

17 BY MS. WALLET:

18 Q. So the cunt club consist consisted of the two
19 probation officers and the other secretary?

20 A. I believe so, yes.

21 Q. Now, who came to you to ask you whether you had heard
22 about this?

23 A. I think the chief did, Ken Bolze.

24 Q. And what do you remember him asking you about?

25 A. He asked if I had heard reference, the reference that

1 was made, and I said yes. And then I had to go back
2 and discuss it. And he gave me a paper for my file so
3 that no retaliation would come against me.

4 Q. Did you think that there might be some retaliation?

5 A. Not at the time, no.

6 Q. Sometime later?

7 A. No. I didn't think there would be, but they -- he just
8 did that to cover me in case there would be.

9 Q. Do you think there was any retaliation against Kerry
10 Houser as a result of her complaint?

11 A. She was kind of shunned.

12 Q. What do you mean by kind of shunned?

13 A. No one would talk to her much. The male probation
14 officers, none of them talked to her much.

15 She had a lot of work, but I don't know that she
16 was given extra because of it or if that's just the way
17 things fell.

18 Q. Did you have anything to do with how the cases were
19 assigned to the probation officers?

20 A. No.

21 Q. Do you know whether there were charts of the number of
22 cases that were assigned?

23 A. I think there were.

24 Q. Did you have anything to do with those charts?

25 A. No.

1 Q. Do you know who did?

2 A. I thought the -- Gary and Joe and John.

3 Q. How would you describe Mr. Osenkarski as a supervisor?

4 A. He wasn't there a whole lot. I didn't see him as a
5 very strong supervisor.

6 Q. Do you think that he was the one that took some action
7 after Kerry Houser filed her Complaint to stop the
8 office banter?

9 A. I don't know.

10 Q. Who do you think took some action that you thought was,
11 I believe Mr. Dellasega described it as remedial
12 action? Who do you think took that action?

13 A. I would think probably Ken Bolze.

14 Q. Do you know what he did?

15 A. No, I don't.

16 Q. Do you think Mr. Bolze thought it appropriate that
17 persons were using this comment about the cunt club?

18 MR. ADAMS: Object. It requires speculation. But
19 you can answer.

20 THE WITNESS: I was going to say, I really don't
21 know.

22 BY MS. WALLET:

23 Q. Did you ever hear talk in the office about people
24 being punished for certain things?

25 A. Yes.

1 Q. What do you remember hearing?

2 A. I remember on occasion, an occasion where Mark
3 Galbraith I think was going to testify for this case,
4 and he was told, remember, I got you this job, I can
5 take it away from you.

6 Q. And who said that?

7 A. Gary.

8 Q. And you heard Gary Graham say this to Mark Galbraith?

9 A. No.

10 Q. Mark Galbraith told that to you?

11 A. Yes.

12 Q. Do you know whether Mr. Graham had some role in
13 Mr. Galbraith getting the job?

14 A. No, I don't. Mark was an intern with us first.

15 Q. Do you know anything about individuals being asked to
16 perform personal services for any of your supervisors?

17 A. Again, Mark went to Joe's house to do some work.

18 Q. How do you know that?

19 A. Mark told me.

20 Q. Did anybody ask you to do anything of a personal
21 nature?

22 A. No.

23 Q. How about the office supplies, do you know whether
24 there was any misuse of office supplies?

25 MR. ADAMS: Objection as to form. You may answer.

1 THE WITNESS: They were missing a lot.

2 BY MS. WALLET:

3 Q. What kind of supplies?

4 A. Notepads, pens.

5 Q. Did you have any responsibility over --

6 A. No.

7 Q. -- the supplies?

8 A. No.

9 Q. And did you notice that they were missing?

10 A. Yes.

11 Q. What do you think happened to them?

12 A. I have no idea.

13 Q. Was there talk that Mr. Osenkowski had taken some of
14 these things?

15 A. Yes.

16 Q. Did you believe that that may be true?

17 A. It could have been, I didn't know.

18 Q. Did you take telephone calls from Mr. Osenkowski as
19 well?

20 A. The same way, yes, if they didn't go directly to his
21 phone.

22 Q. Did you take telephone messages for Mr. Osenkowski when
23 he was not in the office?

24 A. Yes.

25 Q. And would you describe that as frequently,

1 infrequently?

2 A. Infrequently.

3 Q. Did he come into the office nearly every day?

4 A. No.

5 Q. Did he stay for eight hours during the day?

6 A. On occasion.

7 Q. More frequently than not?

8 A. No.

9 Q. How would you describe his work schedule?

10 A. Whenever he felt like coming in.

11 Q. When he wasn't there, did he give any explanation to
12 you as to what was doing?

13 A. No.

14 Q. Did you ever ask?

15 A. No.

16 Q. Did you ever have numbers where you could reach him if
17 there was some emergency in the office?

18 A. No.

19 Q. Did Mr. Osenkowski talk about sexual relationships with
20 women?

21 A. No.

22 Q. Did he talk about his wife?

23 A. Just that he had had one.

24 Q. Mr. Dellasega asked you if you had any evidence about
25 Mr. Graham talking about relationships after his

1 college years.

2 Did Mr. Osenkowski talk about his relationships?

3 A. No.

4 Q. Did you have any evidence to believe that

5 Mr. Osenkowski was seeing somebody in the courthouse?

6 A. No.

7 Q. Did you hear any rumors to that effect?

8 A. I heard rumors, but I don't know.

9 Q. What did you hear?

10 A. That he was seeing Wilma.

11 Q. Does she have a last name?

12 A. Clippinger.

13 Q. Did Ms. Clippinger call him at the workplace?

14 A. Yes.

15 Q. Frequently?

16 A. Yes.

17 Q. How frequently?

18 A. I'd say the days that he was there, that they usually
19 talked. And the only way I could tell that was by the
20 numbers.

21 Q. And when you say the numbers, explain what you mean.

22 A. The extensions.

23 Q. Can you explain to me, could you see on your telephone
24 who people were talking with?

25 A. Yes. Within the court, within our department.

1 Q. Okay. Did you have any discussions with Judge Sheely
2 about Barbara Varner?

3 A. No.

4 Q. Did you have any discussions with Judge Sheely about
5 Gary Graham?

6 A. No.

7 Q. Did Judge Sheely or someone that he had sent ever
8 interview you about what was happening in the office?

9 A. No.

10 Q. Did anyone who identified him or herself as being from
11 the EEOC ever talk with you?

12 A. No.

13 Q. Do you know what the EEOC is?

14 A. Equal Opportunity.

15 Q. Employment Opportunity Commission. Did anyone ever
16 interview you about what was happening in the Probation
17 office before the split?

18 A. No.

19 Q. When did you first learn that there was a lawsuit
20 brought by Ms. Varner?

21 A. I guess it was right before the time that they were
22 ready to split.

23 Q. Do you remember who told you?

24 A. No. I know it wasn't Barb and it wasn't Gary, but I
25 don't remember who told me.

1 Q. Do you know what you learned?

2 A. No. Just that there -- that's all I heard, is that a
3 suit had been filed.

4 Q. Do you remember any other specific things that caused
5 you to believe that there was a change in the
6 relationship between Mr. Graham and Ms. Varner?

7 A. No, nothing else that I can think of.

8 Q. Do you think it was obvious to other people in the
9 office?

10 A. I would think so, yes.

11 Q. And why did you think that?

12 A. Because it was so abrupt.

13 Q. Did Ms. Varner ever say anything to you of a negative
14 nature about Mr. Graham?

15 A. No.

16 Q. Did any of the women probation officers complain to you
17 about the treatment they received within the office?

18 A. No.

19 Q. You said, I believe, in response to one of
20 Mr. Dellasega's questions that you thought the women
21 were treated differently than the men. What did you
22 mean by that?

23 A. I thought, I would say, like, the cases they were
24 given. Maybe getting to go on more trips.

25 Q. Who got to go on more trips?

1 A. The men.

2 Q. Do you know who determined that?

3 A. No, I don't.

4 Q. And you said about the cases that were given. You
5 thought one group got better cases than the other
6 group?

7 A. Yes.

8 Q. Why would you say that?

9 A. I would say it was just -- maybe I'm wrong, maybe they
10 had set types of cases that they took -- that they were
11 given and it just -- that's the ones they always got.

12 Q. Did you know Nancy Kessler?

13 A. No.

14 Q. Did you ever hear any talk in the office besides what I
15 think you already testified to, about people owing
16 somebody something for having been helped?

17 A. (Witness nodded head affirmatively.)

18 Q. What do you remember about that?

19 A. I can remember that being said but I don't know why. I
20 don't remember what the occasion was.

21 Q. Do you ever remember hearing Mr. Graham say someone
22 owes me for something?

23 A. Yes.

24 Q. What do you remember?

25 A. And I remember hearing Joe say it, too, but I don't

1 remember on what occasion it was.

2 Q. Did Ms. Varner ever talk to you about her health?

3 A. On some things, yes.

4 Q. What did you know?

5 A. I knew she had a hysterectomy. I knew she had stomach
6 problems. In fact, she was going to the same doctor
7 that I go to.

8 I know she had problems with hives when she came
9 over to this building for a while.

10 Q. Did she ever relate any of her health problems to
11 stresses at work?

12 A. Her stomach problems.

13 Q. What did she tell you?

14 A. She just said that it's the only thing that they could
15 figure out, that it was all the stress she was under.

16 Q. Did you believe that she was under stress?

17 A. Yes.

18 Q. Why would you say that?

19 A. I admire her for sticking in there and going through
20 what she went through. I don't think I could have done
21 it. I mean, she was ignored by some of the
22 secretaries. You know, a lot of the probation officers
23 wouldn't speak to her, so. I admire her for hanging in
24 there.

25 Q. Did you ever have any discussions with Mrs. Graham

1 about any of the work situation?

2 A. I saw her once at the K-Mart, I think it was the
3 K-Mart, or the Giant, and she came up to me and told me
4 that, you know, she couldn't believe Barb was doing
5 this, and that she, you know, they had had an affair.
6 And I said, well, I don't know what's going on. And
7 she made reference to my marital situation, because she
8 had been the court reporter for it.

9 Q. What did she say about your marital situation?

10 A. She said, well, I didn't judge anything about you. And
11 I said, you know, there was nothing there to judge.

12 Q. Did she tell you why she initiated this conversation?

13 A. No. I guess just because we had run into each other,
14 you know.

15 Q. Do you know Winnie Stern?

16 A. Yes, I do.

17 Q. Who is she?

18 A. She was another secretary.

19 Q. How did Mr. Graham treat Ms. Stern?

20 A. Not just Mr. Graham but some of the other ones, I think
21 they felt she was a little slow.

22 Q. Did they raise their voices at her?

23 A. They may have.

24 Q. What did you observe?

25 A. I don't know that I was over there then. I can't

1 remember. I can't remember if it was Jenny and Winnie
2 that were there at the same time or not. I can't
3 remember.

4 Q. Okay. How did Mr. Graham treat Mark Galbraith?

5 A. Okay, fine, except for the few remarks.

6 Q. Do you think Mr. Galbraith had some axe to grind with
7 Mr. Graham?

8 A. No. No, I don't.

9 Q. What would you say Mr. Graham's reputation is for
10 truthfulness?

11 A. A lot of people felt that he exaggerated things.

12 Q. Did you?

13 A. At times.

14 Q. Did you have any occasions when you thought Mr. Graham
15 had told you an untruth?

16 A. No.

17 Q. How about Mr. Osenkowski's reputation for truthfulness?

18 A. Exaggeration, also.

19 Q. Before the split did Mr. Osenkowski act as if he was in
20 charge of the office?

21 A. He would say he was, but he always delegated for
22 decisions to be made.

23 Q. And who did he delegate to?

24 A. Gary. I think Tom Boyer, also.

25 Q. Did Mrs. Varner talk to you about her marriage?

1 A. Yes.

2 Q. What did she tell you?

3 A. That I've even -- I even was there. They're very
4 happy.

5 Q. I'm sorry, you were?

6 A. They're very happy together. I was even at her place a
7 few times.

8 Q. Did she ever complain to you about her husband or her
9 relationship with her husband?

10 A. No.

11 Q. Did her husband call her at work?

12 A. Yes.

13 Q. Frequently?

14 A. Yes.

15 MS. WALLET: Thank you very much, Mrs. Boyles.

16 THE COURT: Is that all?

17 MR. DELLASEGA: No.

18 BY MS. WILLIAMS:

19 Q. Ms. Boyles, my name is Taylor Williams. I represent
20 the Ninth Judicial District of Pennsylvania, Court of
21 Common Pleas of Cumberland County.

22 Do you recall, since in your position with the
23 court you answered the telephone, do you recall any
24 time when there were a lot of hang-up calls?

25 A. I had talked to him about that. I can't remember. It

1 may have happened but I can't remember.

2 Q. You don't remember at all?

3 A. No.

4 Q. And you can't pinpoint any time frame when that would
5 have happened?

6 A. No.

7 Q. You indicated that you were fired from your position.

8 A. Yes.

9 Q. Can you give me the details of why you were fired?

10 A. Yes. I became chronically ill. I couldn't walk, I
11 couldn't sit. I was missing work. And they said that
12 because I couldn't be there, I was fired.

13 Q. So you were fired for absenteeism is your
14 understanding?

15 A. Yes. Yes.

16 Q. Do you have any ill feelings about that toward the
17 court or the county?

18 A. Very disappointed.

19 Q. You indicated that you thought that men were being
20 treated better than women. What specifically did you
21 observe to form that --

22 A. It's just kind of like --

23 Q. -- impression?

24 A. Like the good old boys club, you know, that
25 camaraderie.

1 Q. You've given me an impression, which I understand, but
2 what did you specifically observe?

3 A. Well, they would spend a lot of time together, talking.
4 Like I said, they would go to seminars, where I didn't
5 see the women going, you know, as frequently.

6 Q. Do you have any idea what ratio of times the men went
7 versus the women?

8 A. No, I don't.

9 Q. So you don't have any real specifics on that?

10 A. No. No.

11 Q. It's sort of a general impression you have?

12 A. Right.

13 Q. Is Mark Galbraith still working there as a probation
14 officer?

15 A. No, he's not. He's in business with his father.

16 Q. When did he leave, if you recall?

17 A. I'm guessing '97, '98, somewhere in there.

18 MS. WILLIAMS: Thanks. That's all I have for

19 Mrs. Boyles.

20 BY MR. ADAMS:

21 Q. Ms. Boyles, I represent Mr. Osenkowski. My name's
22 Paul Lancaster Adams. How are you. I'll just be
23 brief.

24 Going back to the reference comment made by
25 Mr. Osenkowski of the cunt club, were there any other

1 females nearby other than you to overhear that
2 conversation?

3 A. I don't think so.

4 Q. Okay. Would you agree that that comment is off-color?

5 A. Yes.

6 Q. Were offhand or off-color jokes prevalent in the
7 office?

8 A. Occasionally.

9 Q. Jokes being distinguished from comments, but jokes?

10 A. Yes.

11 Q. And those jokes off-color were made by men?

12 A. Mostly, yes.

13 Q. Also by women?

14 A. Maybe once or twice, but mostly men.

15 Q. Okay. But you did hear some by women as well?

16 A. Yes.

17 Q. You said that you had been to Ms. Varner's home a few
18 times?

19 A. Yes.

20 Q. What were the circumstances of the first visit to her
21 home?

22 A. We both have children the same age and we, you know, we
23 discussed them.

24 I think the first time I went to her place was a
25 birthday party for her grandson.

1 Q. And were other employees of the Juvenile Probation
2 Department present as well?

3 A. No.

4 Q. Okay. Were you the only --

5 A. Yes.

6 Q. -- employee -- let me finish the question, I'm sorry.
7 Were you the only employee from the Juvenile Probation
8 Department present?

9 A. Yes.

10 Q. With your children?

11 A. I wasn't with my children. My children are grown the
12 same as hers.

13 Q. Okay, okay. So you were clearly the only person from
14 your office?

15 A. Yes.

16 Q. Okay. How about the second time you were in
17 Ms. Varner's home?

18 A. I had done some typing for her, for her class, and she
19 was -- she paid me to do her -- she was going for her
20 master's and I did her typing. And I took it down to
21 her place to drop it off.

22 Q. Okay. Did Ms. Varner often ask you to do typing for
23 her for classes that she was taking?

24 A. I do for both her and Debra.

25 Q. Okay. Debra?

1 A. Green.

2 Q. Green, okay. Are you good friends with Debra Green?

3 A. Yes.

4 Q. You have to say yes or no.

5 A. Yes. Yes. Yes.

6 Q. Do you consider yourself good friends with Ms. Varner?

7 A. Yes. Have I seen them a lot lately? No.

8 Q. Does that bother you, that you haven't seen them in a

9 while?

10 A. No, because I know they're busy.

11 Q. Okay, fair enough. Any other visits to Ms. Varner's

12 home that you would like to share?

13 A. No, that was it.

14 Q. Has Ms. Varner ever been to your home?

15 A. Yes, when I first moved in. She came to show me what

16 she thought of how I decorated, to give me some help.

17 Q. When was this?

18 A. 1997.

19 Q. Okay. And was she helpful?

20 A. Yes.

21 Q. Any other visits to your home by Ms. Varner?

22 A. No.

23 Q. How about Debra Green to your home?

24 A. Debra Green has been to my house twice, and both times

25 they were to pick me up: Once to go to dinner, and

1 once to take me for a medical procedure.

2 Q. Has anyone else from the Juvenile Probation Department
3 ever been to your home other than those two?

4 A. Mark Galbraith.

5 Q. Okay.

6 A. I'm trying think. Bill Brandt. That's it.

7 MR. ADAMS: No further questions. Thank you.

8 THE WITNESS: Okay.

9 BY MR. DELLASEGA:

10 Q. Did you like working for Gary?

11 A. Yes.

12 Q. Did you like working for Joe?

13 A. Joe? Yeah. I did more for Gary than I did for Joe,
14 yeah.

15 Q. Going back to Barb 1 and Barb 2, was the frequency of
16 Barb 1 and Barb 2 calls roughly equal?

17 A. Yes.

18 Q. Have you ever talked with Ms. Wallet before today?

19 A. I knew her when I worked in the law library. I
20 recognized her.

21 Q. But not about this case?

22 A. Oh, no.

23 MR. DELLASEGA: That's all.

24 THE WITNESS: Okay.

25 BY MS. BLANCHARD:

1 Q. A couple questions, sorry. This will be quick, I
2 promise.

3 The conversation with Mark Galbraith in which he
4 told you that Gary made a comment to him about
5 remember, I got -- could you tell me again what that
6 statement was? I didn't quite get it.

7 A. Mark said Gary said: Remember, I got you your job and
8 I can take it away from you.

9 Q. And when did Mark tell you about this statement?

10 A. It was right after he was subpoenaed or asked to give a
11 deposition about the case or testify in the case.

12 Q. Was this recently or was this a few years ago?

13 A. It was a few years ago.

14 Q. And did Mark tell you whether or not he responded to
15 Gary's statement?

16 A. No, he didn't say.

17 Q. Do you know if he did?

18 A. No.

19 Q. Do you know if Gary made any other statements of that
20 nature to Mark?

21 A. I think it was Joe that did. No. I don't think so.

22 Q. What was the statement?

23 A. About owing. He wanted him to do some work at his
24 house and said you owe me or something.

25 Q. Was that in connection with this case?

1 A. No.

2 Q. Okay. Any other statements that you're aware of that
3 Gary made to Mark in connection with this case?

4 A. No.

5 Q. Do you have any idea if Gary took any retaliatory
6 action against Mark for --

7 A. No, I do not.

8 MS. BLANCHARD: That's all I have.

9 BY MS. WALLET:

10 Q. Mrs. Boyles, did you think the number of calls
11 received from Ms. Varner were unusual?

12 A. No.

13 Q. Was there anything about the fact that Barbara Varner
14 would call Mr. Graham occasionally that seemed odd to
15 you?

16 A. No.

17 MS. WALLET: That's all.

18 BY MR. DELLASEGA:

19 Q. Anybody call in more than the two Barbs?

20 A. Did what?

21 Q. In terms of the frequency of calls Gary got, were the
22 calls from Barb 1 or Barb 2 the largest in terms of
23 volume?

24 A. Oh, no.

25 Q. Who called him more?

1 A. Clients. People from -- some of the directors and
2 stuff from some of the different facilities. So you
3 know, sometimes people from Children and Youth. So I
4 couldn't say it was --

5 MR. DELLASEGA: Okay.

6 BY MS. WILLIAMS:

7 Q. Ms. Boyles, one quick question. You indicated that
8 you had been to Ms. Varner's home for her grandson's
9 birthday party.

10 A. Yes.

11 Q. When was that, if you recall specifically the year?
12 Was it within the last year?

13 A. Oh, no. It's been -- it was before all of this.

14 Q. Before 1996?

15 A. I think so. I'm not positive.

16 Q. Have you talked with Ms. Varner since you received the
17 subpoena and request to come for a deposition?

18 A. No.

19 MS. WILLIAMS: Thank you.

20 BY MS. WALLET:

21 Q. Did you ever visit the Graham home?

22 A. No, I did not.

23 Q. How about the Osenkarski house?

24 A. I took Joe home from work one night.

25 MS. WALLET: That's all.

1 BY MR. DELLASEGA:

2 Q. One last one. When you had the conversation with Barb
3 Graham, you ran into her and she had mentioned this
4 business about the affair, did Mrs. Graham appear in
5 your estimation to be distraught about the affair?

6 A. Yes.

7 MR. DELLASEGA: That's all.

8 THE WITNESS: Very upset about it.

9 MR. DELLASEGA: That's all.

10 BY MS. WALLET:

11 Q. Was she angry toward Ms. Varner?

12 A. Yes.

13 Q. Did she say anything that you thought was threatening
14 toward Ms. Varner?

15 A. She just said that she didn't know why she was lying
16 like that. But nothing that I would...

17 Q. Did you ever observe any, I'll use the word encounters
18 for lack of another word, encounters between Barbara
19 Varner and Barbara Graham?

20 A. No.

21 MS. WALLET: That's all.

22 (Whereupon, the deposition was concluded at

23 1:25 p.m.)

24 * * * * *

25

COMMONWEALTH OF PENNSYLVANIA)
) SS.
COUNTY OF DAUPHIN)

I, Emily R. Clark, Reporter and Notary Public in and for the Commonwealth of Pennsylvania and County of Dauphin, do hereby certify that the foregoing testimony was taken before me at the time and place hereinbefore set forth, and that it is the testimony of:

RONNA BOYLES

I further certify that said witness was by me duly sworn to testify the whole and complete truth in said cause; that the testimony then given was reported by me stenographically, and subsequently transcribed under my direction and supervision; and that the foregoing is a full, true and correct transcript of my original shorthand notes.

I further certify that I am not counsel for nor related to any of the parties to the foregoing cause, nor employed by them or their attorneys, and am not interested in the subject matter or outcome thereof.

Dated at Harrisburg, Pennsylvania, this 27th day
of March, 2003.

Emily R. Clark
Reporter - Notary Public

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